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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/257,209

Applicant(s)

OCHIAI, KATSUHIRO

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-45 is/are pending in the application.
- 4a) Of the above claim(s) 11-27 and 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 28, 29 and 35-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4, 7-10, 28, 29, 36, 38, and 41-43 have been considered but are moot in view of the new grounds of rejection.
2. Applicant's traversal of the Official Notice taken regarding claims 35 and 37, namely, that it is notoriously well known in the art to perform distributed processing of functions in a network, relieving a network of the need for a central management system, is noted. In response the examiner submits US Patent No. 4,887,204 to Johnson et al., who teaches just such a network. See abstract and col. 2 line 67 – col. 3 line 10 and col. 5, lines 5-20.
3. Applicant's arguments regarding claims 39 and 40 have been fully considered but they are not persuasive.

Applicant's argue that Gaucher does not teach automatically outputting information concerning the functions or application program interfaces, the service-availability, and the stored programs of said another video apparatus (applicant's remarks, page 16, third paragraph).

In response, examiner must note that the uploading of information to the network regarding the functions, service-availability, and stored programs of a device is anticipated by Shobatake (see col. 42 line 20 – col. 43 line 30), wherein missing limitation is providing this status information automatically, without first being requested to do so by any other apparatus. It is Gaucher that teaches it is known in the art for devices to immediately identify themselves and transfer all

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relevant state information upon connection to a network (see col. 5 line 64 – col. 6 line 33). Thus it is the combination of Shobatake and Gaucher which meets the claimed limitation of automatically outputting information concerning the functions or application program interfaces, the service-availability, and the stored programs of said another video apparatus.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7-10, 28, 29, 35-38, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shobatake (6,157,645, of record) in view of Sakai et al. (5,935,217) [Sakai].

Regarding claims 1, 3, 7, and 9, Shobatake discloses a broadcast storing and displaying apparatus which comprises:

a network (fig. 1A);

a network management apparatus for managing said network (information switcher, col. 41, lines 29-31); and

plural types of video apparatuses connected to said network (as shown in fig. 1A), each of said video apparatuses being capable of inquiring about state

information of all others of said video apparatuses by sending an inquiry to said network management apparatus (activation of information switcher by user input initiates the request of function/information index requests to each apparatus on the network, col. 41, lines 29-64),

wherein each of said plural types of video apparatuses transmits the state information relating to functions, service-availability and stored programs thereof to said network (col. 41, lines 47-58 and col. 42 line 40 – col. 43 line 10), said network management apparatus stores the state information of said plural types of video apparatuses (the information is collected and stored in order to present it to the user, col. 42, lines 20-24), and when one of said plural types of video apparatuses inquires about the state information of the other video apparatuses to said network management apparatus (col. 41, lines 43-47), said one of said video apparatuses determines, based solely on the state information of the other video apparatuses provided by said network management apparatus, a video apparatus to be a communication partner on the basis of the state information of the other video apparatuses (via user selection of a desired communication partner based on the received information, col. 42, lines 20-39), and

wherein said one of said video apparatuses makes a sole determination as to the communication partner of said one of said video apparatuses based on the state information that said network management apparatus received from the other video apparatuses and forwarded to said one of said video apparatuses (col. 42, lines 20-39).

Shobatake fails to disclose said sole determination being made without an input by a user.

In an analogous art, Sakai discloses resource provisioning system that provides a user with the option of automatic selection of input and output devices (see fig. 21 and col. 11, lines 34-50), negating the need for manual selection of each individual device, instead selecting the optimal devices on the basis of collected status information (col. 12, lines 52-62).

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus of Shobatake to include programming such that said sole determination is made automatically, without an input by a user, as taught by Sakai, for the benefit of more quickly and efficiently selecting the optimal network devices to communicate with.

Regarding claims 2, 4, 8, and 10, Shobatake and Sakai disclose the apparatus of claims 1, 3, 7, and 9, wherein there are provided a plurality of video apparatuses of the same type which are connected to said network (Shobatake discloses multiple VTRs, fig. 2, VTR 11132 and 11133).

Regarding claims 35 and 37, Shobatake and Sakai disclose the apparatus of claims 1 and 3, wherein the communication partner is automatically selected by one of the video apparatuses based on information concerning currently available resources for each of the other apparatuses that is provided to the one

of the video apparatuses by the network management apparatus (the automated decisions are made based upon available information, namely, the function and information indexes provided by the information switchers from each of the appliances, Shobatake, col. 42 line 40 – col. 43 line 15).

Shobatake and Sakai fail to disclose the network management apparatus does not select the communication partner for one of the video apparatuses.

It is notoriously well known in the art to perform distributed processing of functions in a network, relieving a network of the need for a central management system. A distributed processing network is one wherein each client or node in the network is programming to be capable of performing resource allocation and management functions individually, wherein the advantage of such networks is that a failure of any one client or node in the network does not hamper the network as a whole, wherein a centrally managed network would cease to function if the network manager failed.

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus disclosed by Shobatake and Sakai to select communication partners by the video apparatuses without involving the network management apparatus in the selection step, for the benefit of a more stable network, where each video apparatus is capable of selecting communication partners without relying upon a working network management apparatus.

Regarding claims 36 and 38, Shobatake and Sakai disclose the apparatus of claims 35 and 37, wherein the currently available resources of each of the other video apparatuses do not include resources that are currently assigned to any of the video apparatuses (an inherent feature, as any resource that is currently in use is by definition, not an available resource).

Regarding claim 41, Shobatake and Sakai disclose the apparatus of claim 10, wherein the plurality of video apparatuses of the same type correspond to a plurality of video storing apparatuses (Shobatake discloses multiple VTRs, fig. 2, VTR 11132 and 11133),

wherein another of the plural types of video apparatuses correspond to a video reception apparatus (Shobatake discloses TV set 11172 in fig. 2), and

wherein the video reception apparatus receives the corresponding state information from each of the plurality of the video storing apparatuses when a video program is received by the video reception apparatus (when an intention to record a currently received program is received via a user command, initiating the collection of state information, Shobatake, col. 41, lines 43-64), in order to determine an optimal one of the plurality of video storing apparatuses to store the video program therein and the thereby become the communication partner of the video reception apparatus (Sakai teaches selecting the optimal device based on the known status of the device, col. 12, lines 52-62).



Regarding claim 42, Shobatake and Sakai disclose the apparatus of claim 10, wherein the plurality of video apparatuses of the same type correspond to a plurality of video storing apparatuses (Shobatake discloses multiple VTRs, fig. 2, VTR 11132 and 11133),

wherein another of the plural types of video apparatuses correspond to a video display apparatus (Shobatake discloses TV set 11172 in fig. 2), and

wherein the video display apparatus receives the corresponding state information from each of the plurality of the video storing apparatuses when a command is received by the video display apparatus to display a particular program (when an intention to view a particular program is received via a user command, initiating the collection of state information, Shobatake, col. 41, lines 31-64), and

wherein a particular one of the plurality of video storing apparatuses in which the particular program is found to be stored therein is assigned the communication partner with the video display apparatus, in order to display the particular program (this is the purpose of selecting the VTR to output to the TV in response to said program selection, see for example, Shobotake, col. 45, lines 8-18).

Regarding claims 28 and 29, Shobatake discloses a broadcast receiving and storing apparatus which comprises:

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a broadcast receiving component for receiving a broadcast program (fig. 1B, TV set 1117);

a broadcast storing component for storing broadcast programs (fig. 1B, VTR 1113);

a managing component for managing state information relating to functions, service-availability , and stored programs of said broadcast storing components (information switcher, col. 41, lines 29-31); and

a network for connecting said broadcast receiving component, said broadcast processing components, and said managing component (figs. 1A and 1B);

wherein said broadcast receiving component selects a broadcast storing component for storing a program which said broadcast receiving component receives solely on the basis of the state information obtained from said managing component through said network (wherein a user selects a VTR, col. 42, lines 48-56, for recording a program received from a user selected broadcasting source, in the same manner a user selects a program for watching on TV, col. 41, lines 29-64), and

wherein said broadcast receiving component makes a sole determination as to the communication partner of said broadcast receiving component based on the state information that said managing component received from said broadcast processing components and forwarded to said broadcast receiving component (col. 42, lines 20-39).

Shobatake fails to disclose said sole determination is made without input by a user.

In an analogous art, Sakai discloses resource provisioning system that provides a user with the option of automatic selection of input and output devices (see fig. 21 and col. 11, lines 34-50), negating the need for manual selection of each individual device, instead selecting the optimal devices on the basis of collected status information (col. 12, lines 52-62).

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus of Shobatake to include programming such that said sole determination is made automatically, without an input by a user, as taught by Sakai, for the benefit of more quickly and efficiently selecting the optimal network devices to communicate with.

Regarding claim 43, Shobatake discloses a video apparatus connected to a network to which plural types of video apparatuses are connected (figs. 1A and 1B), said video apparatus comprising:

means for transmitting state information relating to stored programs thereof to said network (information switchers, col. 41, lines 47-58 and col. 42 line 40 – col. 43 line 10); and

means for inquiring about the state information of other video apparatuses to said other video apparatuses (col. 41, lines 43-47) and then determining and selecting a video apparatus to be a communication partner solely on the basis of

the state information of said other video apparatuses which are obtained from said other video apparatuses (via user selection of a desired communication partner based on the received information, col. 42, lines 20-39),

wherein video apparatus makes a sole determination as to the communication partner of said video apparatus based on the state information provided directly to said video apparatus by said other video apparatuses (col. 42, lines 20-39),

wherein there are provided a plurality of video apparatuses of the same type which are connected said network (fig. 2, VTR 11132 and 11133);

wherein the plurality of video apparatuses so the same type correspond to a plurality of video storing apparatuses (fig. 2, VTR 11132 and 11133);

wherein one of the plural types of video apparatuses corresponds to a video display apparatus (fig. 1B, TV 1117),

wherein the video display apparatus receives corresponding state information from each of the plurality of video apparatuses when a command is received by the video display apparatus to display a particular program (col. 41, lines 29-64); and

wherein a particular one of the plurality of video storing apparatuses in which the particular program is found to be stored therein is assigned as the communication partner with the video display apparatus, in order to display the particular program (wherein a user selects a VTR, col. 42, lines 48-56, for

displaying a recorded program, in the same manner a user selects a program for watching on TV, col. 41, lines 29-64).

Shobatake fails to disclose said sole determination being made without an input by a user.

In an analogous art, Sakai discloses resource provisioning system that provides a user with the option of automatic selection of input and output devices (see fig. 21 and col. 11, lines 34-50), negating the need for manual selection of each individual device, instead selecting the optimal devices on the basis of collected status information (col. 12, lines 52-62).

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus of Shobatake to include programming such that said sole determination is made automatically, without an input by a user, as taught by Sakai, for the benefit of more quickly and efficiently selecting the optimal network devices to communicate with.

6. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shobatake in view of Gaucher (6,175,860, of record).

Regarding claims 39 and 40, Shobatake discloses a broadcast storing and displaying apparatus which comprises:

- a network (fig. 1A);

- a network management apparatus for managing said network (information switcher, col. 41, lines 29-31); and

plural types of video apparatuses connected to said network (as shown in figs. 1A and 1B), each of said video apparatuses being capable of inquiring about state information of all others of said video apparatuses by sending an inquiry to said network management apparatus (activation of information switcher by user input initiates the request of function/information index requests to each apparatus on the network, col. 41, lines 29-64),

wherein each of said plural types of video apparatuses transmits the state information relating to functions, service-availability and stored programs thereof to said network (col. 41, lines 47-58 and col. 42 line 40 – col. 43 line 10), said network management apparatus stores the state information of said plural types of video apparatuses (the information is collected and stored in order to present it to the user, col. 42, lines 20-24), and when one of said plural types of video apparatuses inquires about the state information of the other video apparatuses to said network management apparatus (col. 41, lines 43-47), said one of said video apparatuses determines, based solely on the state information of the other video apparatuses provided by said network management apparatus, a video apparatus to be a communication partner on the basis of the state information of the other video apparatuses (via user selection of a desired communication partner based on the received information, col. 42, lines 20-39).

Shobatake fails to disclose when another video apparatus is newly connected to said network, said another video apparatus automatically outputs on the network, without first being requested to do so by any other apparatus,

information concerning the functions or application program interfaces, the service availability, and the stored programs of said another video apparatus.

In an analogous art, Gaucher teaches a network apparatus (fig. 3) wherein when a device is newly connected to said network, said device automatically outputs to the network, without first being requested to do so by any other apparatus, information concerning all relevant aspects of said device to said network (col. 5 line 64 – col. 6 line 33), for the benefit of easier installation of new devices to a network (col. 6, lines 5-7).

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus disclosed by Shobatake to include wherein when a device is newly connected to said network, said device automatically outputs to the network, without first being requested to do so by any other apparatus, information concerning all relevant aspects of said device to said network, as taught by Gaucher, for the benefit of easier installation of new devices to a network.

7. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shobatake and Sakai as applied to claim 1 above, and further in view of Tanaka (5,579,523).

Regarding claim 44, Shobatake and Sakai disclose the apparatus of claim 1, but fail to disclose one of said video apparatuses selects the communication partner corresponding to another of said video apparatuses for a particular time

frame, and after the particular time frame elapses, yet another of said video apparatuses is capable of selecting the communication partner corresponding to said another of said video apparatuses.

In an analogous art, Tanaka discloses a system wherein network devices select their communication partners for a particular time frame, and after the particular time frame elapses, yet another of said network devices is capable of selecting the communication partner corresponding to said first device (col. 6, lines 14-56), providing the benefit of elimination of errors which would result in the permanent locking of an apparatus (col. 1, lines 22-39).

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus of Shobatake and Sakai to include one of said video apparatuses selects the communication partner corresponding to another of said video apparatuses for a particular time frame, and after the particular time frame elapses, yet another of said video apparatuses is capable of selecting the communication partner corresponding to said another of said video apparatuses, as taught by Tanaka, for the benefit of providing exclusive use of a network resource without the risk of an error which would permanently lock the resource.

Regarding claim 45, Shobatake, Sakai, and Tanaka disclose the apparatus of claim 44, wherein said another of said video apparatuses outputs a lock signal during the particular time frame in response to any inquiries concerning whether said another video apparatus can become a communication



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partner (the apparatuses send replies regarding lock requests, Tanaka, col. 8, lines 1-21), and wherein said another of said video apparatuses outputs an unlock signal immediately after the particular time frame has elapsed (to clear the locking flag, Tanaka, col. 6, lines 49-56).

### ***Conclusion***

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
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DS



**JOHN MILLER**  
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